



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

May 13, 2011

Ms. Sunny Clark  
FOIA Officer  
Department of Central Management Services  
720 Stratton Office Building  
401 South Spring Street  
Springfield, Illinois 62706

RE: FOIA Pre-Authorization Request – 2011 PAC 13946

Dear Ms. Clark:

We have received and reviewed the written notice from the Department of Central Management Services (CMS) of its intention to deny disclosure of certain information pursuant to section 7(1)(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010).

On April 26, 2011, Ms. Angelynn Weihmeir, on behalf of PAETEC Communications, requested "a copy of technical and pricing evaluations" relating to Request for Proposal No. 11-56001. In its written notice, CMS asserts that the responsive pricing evaluations are exempt under section 7(1)(f).

Section 7(1)(f) of FOIA exempts from inspection and copying "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body."

**DETERMINATION**

CMS's use of the exemption in section 7(1)(f) to withhold the pricing evaluations is **approved**. These documents are created and used for the purpose of evaluating proposals, and proposals are selected in part based on these evaluations. Therefore, these documents are used to formulate CMS's actions. CMS asserts that these pricing evaluations have not been publicly

Ms. Sunny Clark  
May 13, 2011  
Page 2

cited or identified by the Director. We conclude that CMS has met its initial burden of demonstrating that these pricing evaluations are exempt under section 7(1)(f).

If you have any questions, please contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Very truly yours,



SARAH KAPLAN  
Assistant Attorney General  
Public Access Bureau

cc: *Via electronic mail*  
Ms. Angelynn Weihmeir  
Regional Director  
PAETEC Communications  
angelynn.weihmeir@PAETEC.com